United States District Court
Southern District of Texas
FILED

NOV - 8 2016

David J. Bradley, Clerk of Court

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF TEXAS

Ronald Carney

Plaintiff,

v.

City of Brownsville

Defendants.

NO: B-16-290

COMPLAINT
CIVIL RIGHTS
PUNITIVE DAMAGES
AND INJUNCTIVE RELIEF
DECLARATORY JUDGMENTS

DEMAND FOR JURY TRIAL

IDENTIFICATION OF PARTIES

Plaintiff alleges as follows:

1. Plaintiff is a natural person. Motivated by his moral, religious, valor, & political beliefs, plaintiff has regularly engaged in government, veterans affairs, and military activities.

2. Defendants is CITY OF BROWNSVILLE ("Laws of the Parties") is a municipal corporation under the laws and constitution of the Republic State of Texas, and is a corporate entity capable of suing and being sued. Defendants is Laws of the Parties maintains and operates the organization which, in the first instance, is responsible for and committed complained of herein while acting as such and is sued herein official capacity.

JURISDICTION AND VENUE

3. This Court has jurisdiction over this action pursuant to Title 28 USC section 1331 and section 1343 (3) in that the controversy arises under the United States Constitution and under 42 USC section 1983 and 28 USC section 2201 and 2202. This Court has Authority to award attorney fees pursuant 42 USC section 1988. Plaintiff further invokes the supplemental jurisdiction of this Court under 28 USC section 1367 (a) to hear and adjudicate state law claims. Each and all of the acts alleges herein were done by Laws of the Parties, or their officers, agents, and employees, under color and pretense of the statutes, ordinances, regulations, customs and usages of the Laws of the Parties.

STATEMENT OF THE FACTS

4. On August 30, 2016, in front of Whataburger on Central Blvd. Public Entities acting under Badges of Authority knowly, wrongfully, illegally, recklessly, unlawfully, search & seizure Plaintiff. Defendants hereafter as Laws of the Parties abuse of authority by apprehension Plaintiff transporting from one point to the next point interference in life, liberty, pursuit of happiness, holding Plaintiff against his will shock of conscious to hybrid kill or cause bodily injury or harm by malicious prosecution.

5. Therewithin Public Entities acting under Badges of Authority knowly, wrongfully, illegally, recklessly, unlawfully, entrapped Plaintiff into involuntary servitude. Defendants hereafter as Laws of the Parties abuse of authority by persecution Plaintiff transporting from one point to the next point interference in life, liberty, pursuit of happiness, holding Plaintiff against his will shock of conscious to hybrid kill or cause bodily injury or harm by malicious prosecution.

6. Therewithin Public Entities acting under Badges of Authority knowly, wrongfully, illegally, recklessly, unlawfully, administrated cruel & usual punishment to Plaintiff. Defendants hereafter as Laws of the Parties abuse of authority by inflicting trauma, emotional distress, mental anguish, transporting Plaintiff from one point to the next point interference in life, liberty

pursuit of happiness, holding Plaintiff against his will shock of conscious to hybrid kill or cause bodily injury or harm by malicious prosecution.

FIRST CAUSE OF ACTION
Violation of Rights – 42 USC section 1983

7. Therefore Plaintiff incorporates by reference all allegations set forth in paragraphs 4 through 6 above, as if fully set forth below. As the proximate result of the use of force by Defendants in apprehending Plaintiff including the search & seizure were unreasonable under the prevailing circumstances deprived of his rights to enjoy life, liberty, pursuit of happiness thus violated the plaintiff rights not to be subjected to unreasonable seizure protected & guaranteed by the fourth amendment of the United States Constitution.

WHEREFORE Plaintiffs seek relief as set forth below.

SECOND CAUSE OF ACTION
Violation of Rights – 42 USC section 1983

8. Therefore Plaintiff incorporates by reference all allegations set forth in paragraphs 4 through 6 above, as if fully set forth below. As the proximate result of the use of force by Defendants entrapping Plaintiff including the persecution were unreasonable under the prevailing circumstances and thus violated the plaintiff rights not to be subjected to involuntary servitude protected & guaranteed by the thirteenth amendment of the United States Constitution.

WHEREFORE Plaintiffs seek relief as set forth below.

THIRD CAUSE OF ACTION
Violation of Rights – 42 USC section 1983

9. Therefore Plaintiff incorporates by reference all allegations set forth in paragraphs 4 through 6 above, as if fully set forth below. As the proximate result of the use of force by Defendants in treatment of Plaintiff including inflicting trauma, emotional distress, mental anguish, were unreasonable under the prevailing circumstances and thus violated the plaintiff

rights not to be subjected to cruel and usual punishment protected & guaranteed by the eighth amendment of the United States Constitution.

10. Defendants CITY and Mayor had a duty to adequately train, supervise and discipline their police in order to protect members of the public, including Plaintiff, from being harmed by the police unnecessarily.

11. Defendants COUNTY and Sheriff had a duty to adequately train, supervise and discipline their deputy sheriffs in order to protect members of the public, including Plaintiff, from being harmed by such Laws of the Parties.

WHEREFORE Plaintiffs seek relief as set forth below.

PRAYER FOR RELIEF

12. Unless enjoined by this court, defendants will continue to infringe plaintiff's constitutionally protected rights and thereby cause irreparable injury, as damages alone cannot fully compensate plaintiff for the ensuring harm.

WHEREFORE, Plaintiff prays that this Court:

(1) Enter judgment against the Laws of the Parties;

(2) Enter a declaratory judgment declaring the **acts** of the Laws of the Parties to be a violation of any protected class of person constitutional rights to unreasonable search & seizure, involuntary servitude, and cruel & usual punishment.

(3) For general damages in the amount of $999,999,999.00;

(4) For special damages in the to be determined at trial;

(5) For punitive damages against each defendants officers in the amount of $9,999,999.00;

(6) For cost of suit and reasonable attorneys' fees pursuant to statue;

(7) For all other and further relief as the Court deems just, proper, and legally entitled to under the circumstances.

JURY DEMAND

Plaintiff hereby request a jury trial in this matter.

RONALD CARNEY, Plaintiff
Any Protected Class of Person

JS 44 (Rev. 08/16)

CIVIL COVER SHEET

B-16-290

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. *(SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)*

I. (a) PLAINTIFFS

RONALD CARNEY

(b) County of Residence of First Listed Plaintiff ______

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys *(Firm Name, Address, and Telephone Number)*

RONALD CARNEY
1254 E TYLER STREET BROWNSVILLE TX 78520
786 395 6083 email: godron1969@gmail.com

DEFENDANTS

Roberto Bobby Lema
Jennifer Avedano
Julie Allen

County of Residence of First Listed Defendant ______

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys *(If Known)*

City Attorney Office
1001 E Elizabeth Street
Brownsville TX 78520

Cameron County Office
964 E Harrison Street
Brownsville TX 78520

II. BASIS OF JURISDICTION *(Place an "X" in One Box Only)*

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question *(U.S. Government Not a Party)*
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity *(Indicate Citizenship of Parties in Item III)*

III. CITIZENSHIP OF PRINCIPAL PARTIES *(Place an "X" in One Box for Plaintiff and One Box for Defendant)*

(For Diversity Cases Only)

	PTF	DEF		PTF	DEF
Citizen of This State	☒ 1	☐ 1	Incorporated *or* Principal Place of Business In This State	☐ 4	☒ 4
Citizen of Another State	☐ 2	☐ 2	Incorporated *and* Principal Place of Business In Another State	☐ 5	☐ 5
Citizen or Subject of a Foreign Country	☐ 3	☐ 3	Foreign Nation	☐ 6	☐ 6

IV. NATURE OF SUIT *(Place an "X" in One Box Only)*

Click here for: Nature of Suit Code Descriptions.

CONTRACT
- ☐ 110 Insurance
- ☐ 120 Marine
- ☐ 130 Miller Act
- ☐ 140 Negotiable Instrument
- ☐ 150 Recovery of Overpayment & Enforcement of Judgment
- ☐ 151 Medicare Act
- ☐ 152 Recovery of Defaulted Student Loans (Excludes Veterans)
- ☐ 153 Recovery of Overpayment of Veteran's Benefits
- ☐ 160 Stockholders' Suits
- ☐ 190 Other Contract
- ☐ 195 Contract Product Liability
- ☐ 196 Franchise

REAL PROPERTY
- ☐ 210 Land Condemnation
- ☐ 220 Foreclosure
- ☐ 230 Rent Lease & Ejectment
- ☐ 240 Torts to Land
- ☐ 245 Tort Product Liability
- ☐ 290 All Other Real Property

TORTS

PERSONAL INJURY
- ☐ 310 Airplane
- ☐ 315 Airplane Product Liability
- ☐ 320 Assault, Libel & Slander
- ☐ 330 Federal Employers' Liability
- ☐ 340 Marine
- ☐ 345 Marine Product Liability
- ☐ 350 Motor Vehicle
- ☐ 355 Motor Vehicle Product Liability
- ☐ 360 Other Personal Injury
- ☐ 362 Personal Injury - Medical Malpractice

PERSONAL INJURY
- ☐ 365 Personal Injury - Product Liability
- ☐ 367 Health Care/ Pharmaceutical Personal Injury Product Liability
- ☐ 368 Asbestos Personal Injury Product Liability

PERSONAL PROPERTY
- ☐ 370 Other Fraud
- ☐ 371 Truth in Lending
- ☐ 380 Other Personal Property Damage
- ☐ 385 Property Damage Product Liability

CIVIL RIGHTS
- ☒ 440 Other Civil Rights
- ☐ 441 Voting
- ☐ 442 Employment
- ☐ 443 Housing/ Accommodations
- ☐ 445 Amer. w/Disabilities - Employment
- ☐ 446 Amer. w/Disabilities - Other
- ☐ 448 Education

PRISONER PETITIONS

Habeas Corpus:
- ☐ 463 Alien Detainee
- ☐ 510 Motions to Vacate Sentence
- ☐ 530 General
- ☐ 535 Death Penalty

Other:
- ☐ 540 Mandamus & Other
- ☐ 550 Civil Rights
- ☐ 555 Prison Condition
- ☐ 560 Civil Detainee - Conditions of Confinement

FORFEITURE/PENALTY
- ☐ 625 Drug Related Seizure of Property 21 USC 881
- ☐ 690 Other

LABOR
- ☐ 710 Fair Labor Standards Act
- ☐ 720 Labor/Management Relations
- ☐ 740 Railway Labor Act
- ☐ 751 Family and Medical Leave Act
- ☐ 790 Other Labor Litigation
- ☐ 791 Employee Retirement Income Security Act

IMMIGRATION
- ☐ 462 Naturalization Application
- ☐ 465 Other Immigration Actions

BANKRUPTCY
- ☐ 422 Appeal 28 USC 158
- ☐ 423 Withdrawal 28 USC 157

PROPERTY RIGHTS
- ☐ 820 Copyrights
- ☐ 830 Patent
- ☐ 840 Trademark

SOCIAL SECURITY
- ☐ 861 HIA (1395ff)
- ☐ 862 Black Lung (923)
- ☐ 863 DIWC/DIWW (405(g))
- ☐ 864 SSID Title XVI
- ☐ 865 RSI (405(g))

FEDERAL TAX SUITS
- ☐ 870 Taxes (U.S. Plaintiff or Defendant)
- ☐ 871 IRS—Third Party 26 USC 7609

OTHER STATUTES
- ☐ 375 False Claims Act
- ☐ 376 Qui Tam (31 USC 3729(a))
- ☐ 400 State Reapportionment
- ☐ 410 Antitrust
- ☐ 430 Banks and Banking
- ☐ 450 Commerce
- ☐ 460 Deportation
- ☐ 470 Racketeer Influenced and Corrupt Organizations
- ☐ 480 Consumer Credit
- ☐ 490 Cable/Sat TV
- ☐ 850 Securities/Commodities/ Exchange
- ☐ 890 Other Statutory Actions
- ☐ 891 Agricultural Acts
- ☐ 893 Environmental Matters
- ☐ 895 Freedom of Information Act
- ☐ 896 Arbitration
- ☐ 899 Administrative Procedure Act/Review or Appeal of Agency Decision
- ☐ 950 Constitutionality of State Statutes

V. ORIGIN *(Place an "X" in One Box Only)*

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District *(specify)*
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing ***(Do not cite jurisdictional statutes unless diversity)***:
42 USC section 1983

Brief description of cause:
willfull detention in a bounded area, without consent, without authority of lawful arrest

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A **CLASS ACTION** UNDER RULE 23, F.R.Cv.P.

DEMAND $ 9,999,999,999,999.00

CHECK YES only if demanded in complaint:
JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE ______ DOCKET NUMBER ______

DATE ______ SIGNATURE OF ATTORNEY OF RECORD [signature]

FOR OFFICE USE ONLY

RECEIPT # ______ AMOUNT ______ APPLYING IFP ______ JUDGE ______ MAG. JUDGE ______